

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
C.C. 08-10-04 Item No. 11.6

File Number
C04-056

Application Type
Conforming Conventional Rezoning

Council District
7

Planning Area
South

Assessor's Parcel Number(s)
497-08-022

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Lori Moniz

Location: East side of Monterey Road approximately 280 feet northwesterly of Fehren Drive (3382 Monterey Road)

Gross Acreage: 1.23

Net Acreage: 1.23

Net Density: N/A

Existing Zoning: Unincorporated County

Existing Use: Motel

Proposed Zoning: CN Commercial Neighborhood

Proposed Use: Commercial

GENERAL PLAN

Completed by: LM

Land Use/Transportation Diagram Designation
General Commercial

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: LM

North: Commercial

CN Neighborhood Commercial

East: Single Family Detached Residences

County

South: Parking Lot

CP Commercial Pedestrian

West: Quarry

IP(PD)

ENVIRONMENTAL STATUS

Completed by: LM

☒ Environmental Impact Report Use of 2020 General Plan EIR
☐ Negative Declaration circulated on _____

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: LM

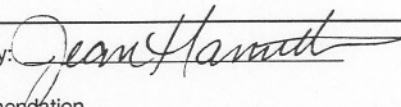
Annexation Title: Franklin No. 53

Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions

Date: 7/20/04

Approved by: 
☒ Action
☐ Recommendation

OWNER/APPLICANT

Natwarlal and Gita Panchal
115 Arroyo Del Rancho
Los Gatos, CA 95032

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: LM

Department of Public Works

None received.

Other Departments and Agencies

None received.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicants, Natwarlal and Gita Panchal, are requesting a Conforming Conventional Rezoning of the subject 1.23 gross-acre site from Unincorporated County to CN Commercial Neighborhood District to facilitate annexation and future use that conforms to the site's San Jose 2020 General Plan Land Use/Transportation Diagram designation of General Commercial.

The site is surrounded by single-family detached residential uses to the east, commercial uses to the north, a parking lot to the south and a quarry across Monterey Highway to the west. Currently, there is a motel on the site. The applicant would like to continue motel uses on the site or convert to a mixed-use development.

GENERAL PLAN CONFORMANCE

The site is currently developed with a motel and is designated General Commercial on the General Plan Land Use/Transportation Diagram. The uses allowed under the proposed CN Commercial Neighborhood District are consistent with this designation. The ultimate annexation of this property furthers the Urban Design goals and policies of the General Plan by controlling the incorporation of land within the City's municipal boundaries.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

ANALYSIS

The proposed rezoning to CN Commercial Neighborhood District is in conformance with the General Plan designation, and with the annexation policies of the City of San Jose and LAFCO Policy. The uses allowed by right in the CN Commercial Neighborhood District are commercial in nature. Other uses may be allowed as an independent use upon the issuance of and in compliance with a Conditional or Special Use permit. This rezoning facilitates annexation and does not approve any physical changes to the existing structures on-site or allow any new construction. Any changes to the existing development or redevelopment of the site would be subject to the approval of a subsequent development permit. An Annexation has been filed for this parcel, Franklin No. 53, and is scheduled to go to Council following the approval of this Conforming Rezoning.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site as well as published in the San José Post Record and the San José Mercury News. The City Council Agenda is posted on the City of San José web site with copies of the staff report. Staff has been available to discuss the proposal with members of the public.

RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning is compatible with surrounding land uses.
3. The proposed rezoning will facilitate annexation of the property in conformance with City of San Jose and LAFCO policy.

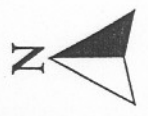


File No: C04-056

District: 7

Quad No: 115

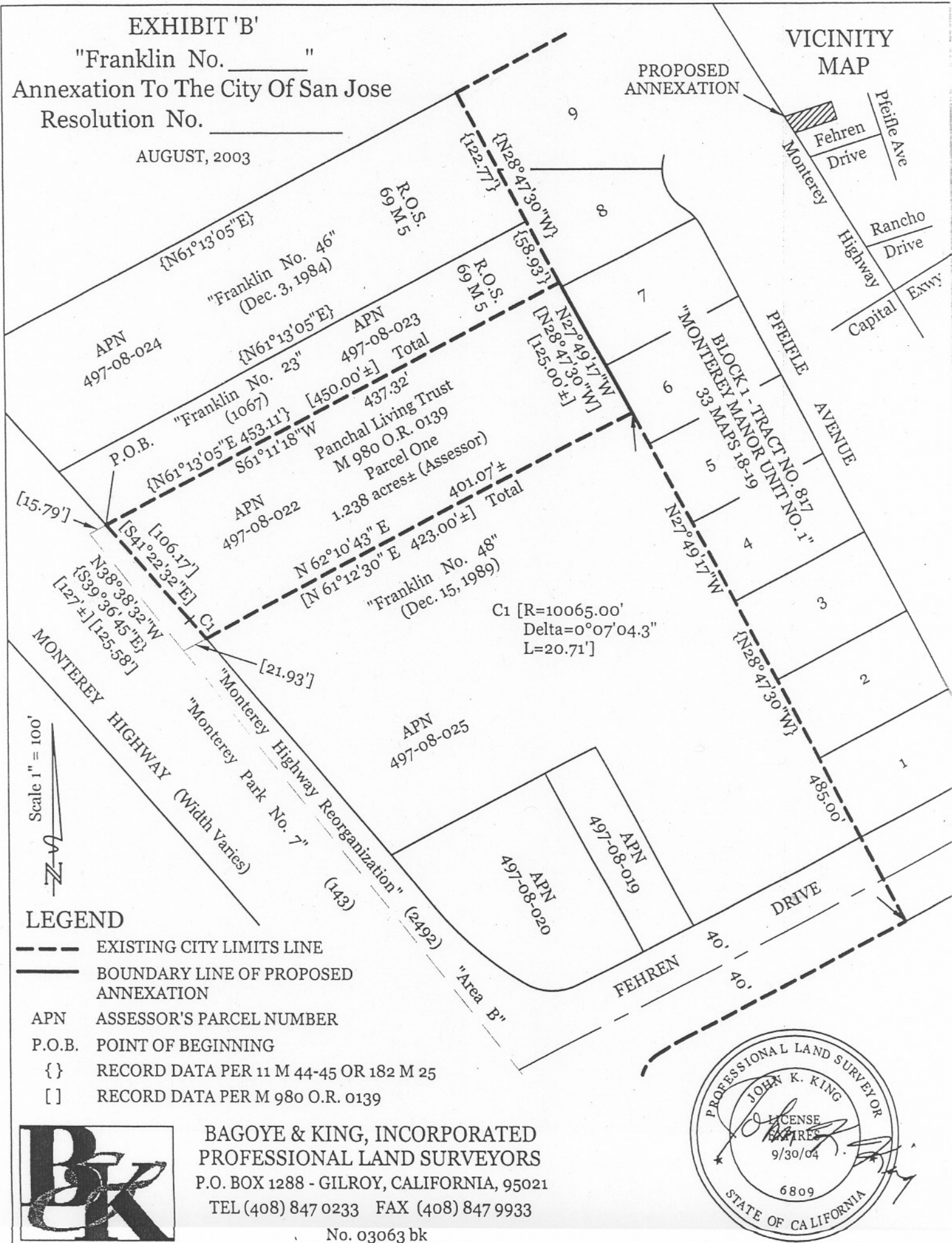
Scale: 1"=300'
Date: 06/11/2004



"Franklin No. _____"

AUGUST, 2003

PROPOSED ANNEXATION



Scale 1" = 100'

LEGEND

- EXISTING CITY LIMITS LINE
 --- BOUNDARY LINE OF PROPOSED ANNEXATION
 APN ASSESSOR'S PARCEL NUMBER
 P.O.B. POINT OF BEGINNING
 {} RECORD DATA PER 11 M 44-45 OR 182 M 25
 [] RECORD DATA PER M 980 O.R. 0139



BAGOYE & KING, INCORPORATED
PROFESSIONAL LAND SURVEYORS
P.O. BOX 1288 - GILROY, CALIFORNIA, 95021
TEL (408) 847 0233 FAX (408) 847 9933

No. 03063 bk



EXHIBIT 'A'

**ANNEXATION TO THE CITY OF SAN JOSE
"FRANKLIN NO. "**

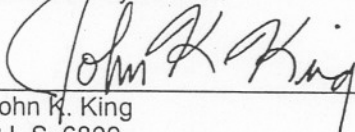
All that real property situated in the County of Santa Clara, State of California, being those lands conveyed to the Panchal Living Trust by grant deed recorded September 1, 1993 in Book M 980, at Page 0139, Official Records of said County, being more particularly described as follows:

BEGINNING at a point lying on the existing City Limits Line of the City of San Jose, said point being the most northerly corner of Area "B", "Monterey Highway Reorganization", as adopted March 1, 1988 by Resolution No. 2492; thence along said City Limits Line South $41^{\circ} 22' 32''$ East 106.17 feet to a point of curvature; thence along a curve to the right with a radius of 10065.00 feet, through a central angle of $0^{\circ} 07' 04.3''$, an arc distance of 20.71 feet to an angle point of said City Limits Line, said angle point being the most westerly corner of the "Franklin No. 48" annexation to said City as adopted December 15, 1989; thence continuing along said City Limits Line on the northwesterly boundary of said "Franklin No. 48" annexation North $62^{\circ} 10' 43''$ East 401.07 feet more or less to the most northerly corner thereof, said northerly corner lying on the southwesterly boundary of Block 1 of Tract No. 817, "Monterey Manor Unit No. 1", filed in Book 33 of Maps, at Pages 18-19, Records of said County; thence leaving said City Limits Line along said southwesterly boundary of Block 1 North $27^{\circ} 49' 17''$ West 125.00 feet more or less to the most easterly corner of the "Franklin No. 23" annexation to said City as adopted by Resolution No. 1067; thence leaving said southwesterly boundary of Block 1 along the southeasterly boundary of said "Franklin No. 23" annexation and said City Limits Line South $61^{\circ} 11' 18''$ West 437.32 feet to the **POINT OF BEGINNING**.

Containing 1.238 acres, more or less (per Assessor's Parcel Map).

SEE EXHIBIT 'B' ATTACHED HERETO AND MADE A PART HEREOF.

Description prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


John K. King

P.L.S. 6809
Expires: 9/30/04

Date

5/25/04



EXHIBIT-B

1"-50 FT

450'

88'

22' 3"

57' 3"

16' 3"

43' 3"

14.25'

APN 497-08-025

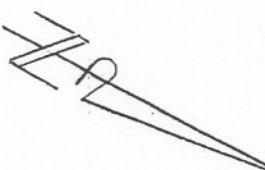
OVER HANG

18.75'

125'

305'

SCALE 1" = 50'
DRAWN 6-8-04
NMP



**CITY OF SAN JOSE
SAN JOSE 2020 GENERAL PLAN
USE OF A PROGRAM EIR**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose can take action on the project as being within the scope of the Final EIR.

PROJECT DESCRIPTION AND LOCATION

C04-056 and FRANKLIN NO. 53. CONFORMING PREZONING and subsequent Annexation of the property located on the east side of Monterey Road approximately 280 feet northwesterly of Fehren Drive (3382 Monterey Road), from County to CN Neighborhood Commercial to allow commercial uses on a 1.24 gross acre site. (Panchal Natwarlal M. and Gita N. Trustee, Owner).

Council District 7.

County Assessor's Parcel Number 497-08-022

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation	Soils and Geology	Noise
Cultural Resources	Hazardous Materials	Land Use
Urban Services	Air Quality	Aesthetics
Energy	Facilities and Services	Water Quality/Resources
Open Space	Schools	Drainage and Flooding
Vegetation and Wildlife		

Lori Moniz
Project Manager

Stephen M. Haase, Director
Planning, Building and Code Enforcement

7/12/04

Date



Deputy